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OGC 65-1524

22 April 1965

MEMORANDUM FOR THE RECORD

SUBJECT: Heine v. Raus -- Libel Suit

1. On 12 April I accompanied [ ] to the office of Mr. Carl Eardley, Second Assistant, Civil Division, Department of Justice (187-3309, Room 3607). The purpose of the visit was to enable [ ] to continue his prior conversations regarding possible Justice intervention and to have me meet Eardley.

2. [ ] refreshed Eardley's memory regarding the suit. He emphasized our concern over the possibility that the defendant, Raus, might be questioned by plaintiff's counsel regarding the source of his information that Heine was a KGB agent. It was pointed out that while we could resist discovery if Raus were pressed for an answer, which would disclose Agency involvement, a better tactic for the United States would be to have the Attorney General intervene and claim privileged information. While Eardley expressed understanding of our position and willingness to cooperate, he begged off from a direct answer, saying that he wished to have the question researched. He promised he would be in touch with me at an early date.

3. It was thereafter on 21 April that Eardley called to say that based on their research it was their recommendation that if

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the matter should arise, Raus should claim that an answer might subject him to criminal prosecution, citing Section 793 of Title 18. He stated further that it was their opinion that the Attorney General was not the proper party to intervene in the first instance, but only in the event Raus' claim was overruled.

15/1  
[

Assistant General Counsel

cc: C/SR/O/AC

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